REMARKS

In the pending Office Action, claims 1-16 are pending and rejected. Accordingly, Applicant respectfully submits the following:

Claim Objections

Claims 2, 6 and 14 were objected to because of informalities. Applicant respectfully amended the claims of the present invention to correct the informalities.

The Claim Rejection's Under 35 U.S.C. § 102

Claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by Schaerf, A Survey of Automated Time Table (Jan. 1999). The MPEP § 706.102 provides that, for anticipation under 35 U.S.C. § 102, "the reference must teach every aspect of the claimed invention either explicitly or impliedly." Independent claims of the present invention include limitations that are not explicitly or impliedly taught in the prior art.

Independent claims of the present invention recite a limitation for "adjusting time value for a given event account fit within the frame work at a selected time and day until the given event fits within the framework." Schaerf teaches a method of solving timetabling problems consisting of scheduling a sequence of lectures between students and teachers in a predetermined period of time, typically a week. As discussed in the introduction, Schaerf considers three main classes of constraints: school timetable, which is an attempt to avoid time conflicts in a weekly schedule for teachers and student; course timetabling, which is the attempt to minimize the overlap of lectures at a University; and examination timetabling, the scheduling of exams to avoid overlaps of exams for courses having commons students, and spreading the exams for the

students as much as possible. In particular, Schaerf teaches, on page 16, that both hard and soft requirements are considered and that soft requirements generally include event spreading constraints and room capacity constraints. Schaerf assumes an exam or classroom lecture are a fixed period of time and seeks to avoid overlap and juxtaposition position of those fixed periods of times. Schaerf does not adjust the time value for a given event. That is Schaerf does not teach a system that considers decreasing the duration of a class period.

In consideration, the present inventions "adjust[s] a time value for a given event that cannot fit within the framework". A non-limiting example of adjusting the time value of a given event is illustrated in specification on page 14, line 6-9, which indicates that as a schedule fills, it may become necessary to shorten some events beyond the specified minimum time for that particular event so that all events can fit into a given shift or schedule. Schaerf's disclosure does not teach or fairly suggest decreasing the amount of time a lecture or a test would take in order to fit that test into an otherwise full schedule.

Schaerf's failure to teach or fairly suggest decreasing the amount of time required for a given event is confirmed on page 24, section 4.2, wherein Schaerf indicates that the most common type of soft constraint considered in literature on examination timetabling are second order constraints that is, the system should avoid creating a situation where a student takes two exams in consecutive periods. Accordingly, Schaerf does consider some soft constraints, but does not teach or fairly suggest modifying the events themselves in order to populate the framework.
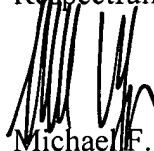
Schaerf fails to teach calculating an <u>optimization value based</u> on preferred time conflicts, adjusting time value, delayed conflicts or time or day period conflicts among the plurality of events. Rather, Schaerf teaches a method of optimizing a school schedule and considers only a limited number of constraints including: preventing a student from taking two exams in consecutive periods, Schaerf, page 24. Accordingly, Schaerf teaches a simplified method of timetabling, which includes a consideration only of avoiding time conflicts between fixed length events. Under Schaerf, the courses offered by Universities are offered for a given period of time (e.g. an hour) and exams are given on a quarterly or semester basis during fixed time blocks. Schaerf teaches a method for avoiding overlap between those fixed time blocks and fails to consider, or utilize indicia of optimization recited by the present invention including preferred time conflicts, adjusting time value, delayed conflicts, or time or day period time conflicts among a plurality of events. Because Schaerf fails to teach or fairly suggest the limitations of the presently amended claims, the claims of the present invention are novel and non-obvious.

CONCLUSION

Applicant respectfully submits that the claims are now in condition for allowance and respectfully requests the same. If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this _20_ day of _March_ , 2006.

Respectfully submitted,

Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
Telephone (801) 328-4814
Facsimile (801)321-4893

JRM/sp
Doc#871853